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2010 DEC -9 PM 1:18
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December 9, 2010

(*ALSO ADMITTED IN N.Y.)

HAND DELIVERED

Susan M. Hudson, Clerk
Vermont Public Service Board
112 State Street – Drawer 20
Montpelier, VT 05620-2701

Re: *Investigation into Petition filed by the Vermont Department of Public Service Re:
Energy Efficiency Utility Structure*
Docket No. 7466

Dear Sue:

Enclosed for filing with the Board in the above-referenced matter please find an original and three (3) copies of Comments of Burlington Electric Department on Proposal for Decision.

Thank you for your assistance.

Very truly yours,


William F. Ellis

WFE/

Enclosures

cc: Docket No. 7466 Service List
Thomas A. Buckley, BED Manager of Customer and Energy Services

211050-57

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

VERMONT PUBLIC
SERVICE BOARD

2010 DEC -9 PM 4: 12

Investigation into Petition Filed by Vermont Department)
of Public Service Re: Energy Efficiency Utility Structure)

Docket No. 7466

**COMMENTS OF BURLINGTON ELECTRIC DEPARTMENT
ON PROPOSAL FOR DECISION**

NOW COMES City of Burlington Electric Department ("BED"), by and through its attorneys, McNeil, Leddy & Sheahan, P.C., and hereby submits its comments on the Hearing Officer's Proposal for Decision ("P for D") in the above-referenced matter dated November 17, 2010.

1. In its comments on the September 3 documents filed September 17, 2010, BED recommended that Section II.1.D.(c) of the Process and Administration document be modified to provide an affected EEU with notice and the opportunity to be heard on any proposed amendment to an EEU's QPIs. The Hearing Officer's proposal on page 9 of the P for D to modify that section to provide an affected EEU with notice and an opportunity to comment on any proposed amendment addresses the concerns BED raised in its earlier comments, and BED supports the modified language as proposed by the Hearing Officer.

2. In footnote 27 on page 14, the Hearing Officer notes that the DPS's current Board-approved evaluation plan now includes annual savings verification activities for BED's energy efficiency services, which will allow BED to file an Annual Report that includes verified savings. The Hearing Officer observed that this would be an additional report that BED has not traditionally filed, and specifically invited comments on this issue.

As BED's Annual Reports show all prior year savings claims, BED proposes to continue the practice it began with the filing of its 2007 Annual Report, where adjustments were made to the 2006 savings claim based on the results of the DPS savings verification process. Likewise, BED's 2008 Annual Report adjusted its 2007 savings claim to reflect the verification process. The verified savings for each year are thereafter included in each subsequent Annual Report. Therefore, BED believes it is unnecessary to file an additional Annual Report as verified savings are reflected in each report going forward.

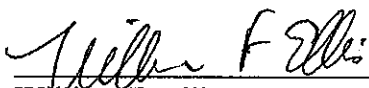
3. On pages 20-21 of the P for D the Hearing Officer identifies a potential conflict between the September 3 documents concerning the types of costs, cost allocations, and jurisdictional separations that are to be included in an EEU's Order of Appointment. BED supports replacing the the word "shall" with "may" as proposed by the Hearing Officer as this will provide the Board with the flexibility to address these issues either through an Order of Appointment or other method.

BED has no concerns with the other changes proposed for either the VEIC Order of Appointment or the accompanying Process and Administration document as it pertains both to VEIC's and ultimately BED's appointment.

BED appreciates the Hearing Officer's efforts in this regard and thanks the Board for this opportunity to review and respond to the P for D.

DATED at Burlington, Vermont this 9th day of December 2010.

Respectfully Submitted,

By: 
William F. Ellis, Esq.
A Member of the Firm
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271 South Union Street
Burlington, VT 05401
Counsel to Burlington Electric Department

cc: Attached Service List
Thomas A. Buckley

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